

1 I. NEEL CHATTERJEE (STATE BAR NO. 173985)
nchatterjee@orrick.com
2 MONTE M.F. COOPER (STATE BAR NO. 196746)
mcooper@orrick.com
3 THERESA A. SUTTON (STATE BAR NO. 211857)
tsutton@orrick.com
4 MORVARID METANAT (STATE BAR NO. 268228)
mmetanat@orrick.com
5 ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
6 Menlo Park, California 94025
Telephone: 650-614-7400
7 Facsimile: 650-614-7401

8 Attorneys for Plaintiff
FACEBOOK, INC.
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 FACEBOOK, INC.,

15 Plaintiff,

16 v.

17 POWER VENTURES, INC., a Cayman Island
corporation; STEVE VACHANI, an individual;
18 DOE 1, d/b/a POWER.COM, DOES 2-25,
inclusive,

19 Defendants.
20

Case No. 5:08-cv-05780 JW

**DECLARATION OF MONTE COOPER
IN SUPPORT OF FACEBOOK INC.'S
SUPPLEMENTAL BRIEF
REGARDING DAMAGES AND
LIABILITY OF DEFENDANT STEVE
VACHANI**

Dept: Hon. James Ware
Judge: 15, 18th Floor

1 I, Monte Cooper, hereby declare and state as follows:

2 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel
3 of record to Facebook, Inc. in the above-captioned matter. I make this declaration based on my
4 personal knowledge, unless otherwise noted. If called, I can and will testify competently to the
5 matters set forth herein.

6 2. Attached hereto as **Exhibit 1** is a true and correct copy of *Facebook, Inc. v.*
7 *Guerbuez*, No. C08-03889, 2008 U.S. Dist. LEXIS 108921 (N.D. Cal., Nov. 21, 2008).

8 3. Attached hereto as Exhibit 2 are true and correct copies of relevant excerpts from
9 the March 7, 2012 deposition transcript of Power Ventures, Inc. **[DESIGNATED HIGHLY**
10 **CONFIDENTIAL]**.

11 4. Attached hereto as **Exhibit 3** is a true and correct copy of a December 1, 2008
12 email chain from Steve Vachani to Felipe Herrera. **[DESIGNATED HIGHLY**
13 **CONFIDENTIAL]**.

14 5. Attached hereto as **Exhibit 4** is a true and correct copy of a December 2, 2008
15 email chain between Steve Vachani and Eric Santos. **[DESIGNATED HIGHLY**
16 **CONFIDENTIAL]**.

17 6. Attached hereto as **Exhibit 5** is a true and correct copy of a December 29, 2008
18 email chain between Andre Fernandes and Elmo Cruz. This document contains portions of text
19 in Portuguese and is followed by a certified translation in English and a signed and notarized
20 certification created by the company, TransPerfect Translations, Orrick retained to perform the
21 translation. **[DESIGNATED HIGHLY CONFIDENTIAL]**.

22 7. Attached hereto as **Exhibit 6** is a true and correct copy of a January 3, 2009 email
23 chain between Felipe Herrera and Steve Vachani. **[DESIGNATED HIGHLY**
24 **CONFIDENTIAL]**.

25 8. Attached hereto as **Exhibit 7** is a true and correct copy of a January 4, 2009 email
26 between Steve Vachani and Michael Ross. **[DESIGNATED HIGHLY CONFIDENTIAL]**.

27 9. Attached hereto as **Exhibit 8** is a true and correct copy of a December 1, 2008
28 Press Release for Power.com. **[DESIGNATED HIGHLY CONFIDENTIAL]**.

1 10. Attached hereto as **Exhibit 9** is a true and correct copy of a November 26, 2008
2 email between Eric Santos and Bruno Carvalho. This document contains portions of text in
3 Portuguese and is followed by a certified translation in English and a signed and notarized
4 certification created by the company, TransPerfect Translations, Orrick retained to perform the
5 translation. **[DESIGNATED HIGHLY CONFIDENTIAL]**.

6 11. Attached hereto as **Exhibit 10** is a true and correct copy of a December 14, 2008
7 email between Bruno Carvalho and Steve Vachani. This document contains portions of text in
8 Portuguese and is followed by a certified translation in English and a signed and notarized
9 certification created by the company, TransPerfect Translations, Orrick retained to perform the
10 translation. **[DESIGNATED HIGHLY CONFIDENTIAL]**.

11 12. Attached hereto as **Exhibit 11** is a true and correct copy of a December 26, 2008
12 correspondence between Steve Vachani and Eric Santos, bates numbered
13 POWER2011.02.03.0000074-77. This document contains portions of text in Portuguese and is
14 followed by a certified translation in English and a signed and notarized certification created by
15 the company, TransPerfect Translations, Orrick retained to perform the translation.
16 **[DESIGNATED HIGHLY CONFIDENTIAL]**.

17 13. Attached hereto as Exhibit 12 are true and correct copies of relevant excerpts from
18 the July 20, 2011 deposition transcript of Steve Vachani.

19 14. Attached hereto as **Exhibit 13** is a true and correct copy of a March 29, 2009 email
20 between Steve Vachani and Eric Santos. This document contains portions of text in Portuguese
21 and is followed by a certified translation in English and a signed and notarized certification
22 created by the company, TransPerfect Translations, Orrick retained to perform the translation.
23 **[DESIGNATED HIGHLY CONFIDENTIAL]**.

24 15. Attached hereto as Exhibit 14 are true and correct copies of relevant excerpts from
25 the January 1, 2009 deposition transcript of Power Ventures, Inc. **[DESIGNATED HIGHLY**
26 **CONFIDENTIAL]**.

27 16. Attached hereto as **Exhibit 15** is a true and correct copy of an April 24, 2011
28 correspondence between Steve Vachani and Eric Santos. This document contains portions of text

1 in Portuguese and is followed by a certified translation in English and a signed and notarized
2 certification created by the company, TransPerfect Translations, Orrick retained to perform the
3 translation. **[DESIGNATED HIGHLY CONFIDENTIAL]**.

4 17. Attached hereto as **Exhibit 16** is a true and correct copy of a November 24, 2010
5 email chain between Steve Vachani and Bruno Carvalho. This document contains portions of text
6 in Portuguese and is followed by a certified translation in English and a signed and notarized
7 certification created by the company, TransPerfect Translations, Orrick retained to perform the
8 translation. **[DESIGNATED HIGHLY CONFIDENTIAL]**.

9 18. Attached hereto as **Exhibit 17** is a true and correct copy of a January 3, 2009 email
10 chain between Felipe Herrera and Steve Vachani. **[DESIGNATED HIGHLY**
11 **CONFIDENTIAL]**.

12 19. Attached hereto as **Exhibit 18** are true and correct copies of relevant excerpts from
13 the February 24, 2012 hearing transcript before the Honorable Joseph C. Spero.

14 20. Attached hereto as **Exhibit 19** is a true and correct copy of Facebook's Terms of
15 Use dated September 23, 2008.

16 21. Attached hereto as **Exhibit 20** is a true and correct copy of a December 4, 2008
17 correspondence between Felipe Herrera and Steve Vachani. **[DESIGNATED HIGHLY**
18 **CONFIDENTIAL]**.

19 22. Attached hereto as **Exhibit 21** is a true and correct copy of Power Ventures Inc.'s
20 Responses to Facebook's First Set of Requests for Admissions, served on December 15, 2010.

21 23. Attached hereto as **Exhibit 22** is a true and correct copy of Power Ventures Inc.'s
22 Supplemental Responses to Facebook's Interrogatories, Nos. 1, 2, 3, 7, 13, 14, 15, 19, 20 and 21,
23 served on November 18, 2011.

24 24. Attached hereto as **Exhibit 23** is a true and correct copy of a December 1, 2008
25 correspondence from Facebook to Power Assist, Inc.

26 25. Attached hereto as **Exhibit 24** is a true and correct copy of a December 1, 2008
27 email from Felipe Herrera to Steve Vachani, bates numbered POWER2011.02.03.0000089-90.
28 **[DESIGNATED HIGHLY CONFIDENTIAL]**.

1 26. Attached hereto as **Exhibit 25** is a true and correct copy of the Expert Report of
2 Richard J. Ostiller, served on December 19, 2011. [**DESIGNATED HIGHLY**
3 **CONFIDENTIAL**].

4 27. Attached hereto as **Exhibit 26** is a true and correct copy of a December 16, 2008
5 email chain between Danilo Delgado and Eric Santos. [**DESIGNATED HIGHLY**
6 **CONFIDENTIAL**].

7 28. Attached hereto as **Exhibit 27** is a true and correct copy of an April 24, 2009 email
8 chain between Eric Santos and Steve Vachani, bates numbered FBPOWER00434-436. This
9 document contains portions of text in Portuguese and is followed by a certified translation in
10 English and a signed and notarized certification created by the company, TransPerfect
11 Translations, Orrick retained to perform the translation. [**DESIGNATED HIGHLY**
12 **CONFIDENTIAL**].

13 29. Attached hereto as **Exhibit 28** is a true and correct copy of an April 24, 2009 email
14 chain between Juliane Conceicao and Eric Santos, bates numbered FBPOWER00437-439. This
15 document contains portions of text in Portuguese and is followed by a certified translation in
16 English and a signed and notarized certification created by the company, TransPerfect
17 Translations, Orrick retained to perform the translation. [**DESIGNATED HIGHLY**
18 **CONFIDENTIAL**].

19 30. Attached hereto as **Exhibit 29** is a true and correct copy of a December 2, 2008
20 email chain between Eric Santos and Steve Vachani, bates numbered FBPOWER00499-501.
21 This document contains portions of text in Portuguese and is followed by a certified translation in
22 English and a signed and notarized certification created by the company, TransPerfect
23 Translations, Orrick retained to perform the translation. [**DESIGNATED HIGHLY**
24 **CONFIDENTIAL**].

25 31. Attached hereto as **Exhibit 30** is a true and correct copy of a December 12, 2008
26 email chain between Joe Shapiro and Steve Vachani.

27 32. Attached hereto as **Exhibit 31** is a true and correct copy of an August 11, 2005
28 email containing an instant message "chat" conversation between Steve Vachani and an

1 individual by the name of “greg.”

2 33. Attached hereto as **Exhibit 32** is a true and correct copy of a September 12, 2005
3 email chain between Paul King and Steve Vachani.

4 34. Attached hereto as **Exhibit 33** is a true and correct copy of a November 09, 2006
5 email chain between Eric Santos and Kiran Inampudi.

6 35. Attached hereto as **Exhibit 34** is a true and correct copy of a December 26, 2008
7 email from Steve Vachani to Eric Santos. **[DESIGNATED HIGHLY CONFIDENTIAL]**.

8 36. Attached hereto as **Exhibit 35** is a true and correct copy of a November 09, 2011
9 email from Timothy Fisher to Facebook’s counsel.

10 37. Attached hereto as **Exhibit 36** is a true and correct copy of an April 24, 2011 email
11 chain between Eric Santos and Steve Vachani. This document contains portions of text in
12 Portuguese and is followed by a certified translation in English and a signed and notarized
13 certification created by the company, TransPerfect Translations, Orrick retained to perform the
14 translation. **[DESIGNATED HIGHLY CONFIDENTIAL]**.

15 I declare under penalty of perjury that the foregoing is true and correct to the best of my
16 knowledge. Executed this 30th day of March 2012 at Menlo Park, California.

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18 /s/ Monte Cooper /s/
19 MONTE COOPER
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